4: Joseph et al D, E-5 (1942-1943) 1949
NU28 Papago NU28

646 be rushed or pushed into action. If these qualities are respected by government representatives, they are more likely to gain the support and active participation of the council in their common responsibility—the welfare of the Papago.

THE TRIBAL COURT

671 Off the reservation Indians are subject to state and local law. On their reservations they are subject to federal law in regard to ten major crimes: murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, larceny, incest, and robbery. All other offenses are dealt with according to the tribal law.[9]

The Papago code of law and order, drawn up by a committee of the tribal council,[10] is in the main a codification of the old laws and customs of the people. However, it includes several white innovations such as the requirement of a marriage license and ceremony and provision for probating estates and appointing guardians.

692 On the Papago reservations law is administered by a tribal court and Indian police. The tribal court is presided over by Indian judges whose appointment by the superintendent must be approved by the tribal council. The constitution provides for three judges in all, but at the time of this study there was only one on the main Reservation and one at San Xavier.

626 696 681 [674] As noted in chapter iv, many difficulties which might come to court are settled within the family without recourse to law, or are taken to the village court. Since the Papago are a law-abiding people, not many cases come up for trial. In one year only 116 were on record, the majority cases of drunkenness. The usual sentence is a number of days in jail. The normal Papago does not like such a sentence, for he does not like to have "people talk," as they do when someone is behind bars. Thus the diffuse sanctions of public opinion are important in maintaining the legal sanctions.

693 Indian judges and police are not in a particularly happy position. Several past incumbents criticized for favoring kinsmen or people of their own religious denomination resigned. At the time of this study, one of the judges nominally a Presbyterian apparently was not accused of partiality.

DISTRICT COUNCILS AND COURTS

631 634 657 According to the tribal constitution, the district is the basic unit of government, with an elected council and a court. Actually, however, as indicated in preceding sections, this white pattern of government has not really taken root

9 Or, in the absence of such a code, according to a code of laws for Indians embodied in U.S. Code, Title 25.

10. Approved 1945.

4: Joseph et al D, E-5 (1942-1943) 1949
NU28 Papago NU28

883 464 [465] always get odd jobs, such as mowing lawns, in the cities. Almost every youth in the western districts works at the Ajo mine at sometime between the ages of eighteen and thirty. Here at unskilled labor he can earn $3.00 a day; in wartime wages ran as high as $7.00.

893 466 563 Papago youth in mines, in cotton fields, or on ranches work side by side with other Indians or Mexicans and have little direct contact with whites. White employers treat the Indians with friendliness and often make concessions to retain good workers, but away from work the Indians live together or with Mexicans and Chinese in the poorer quarters of the city, so that it is the lower strata of economic life in Arizona with which they become familiar. They do not, however, experience some of the discriminations endured by minority groups in many parts of the country: most cafes serve Indians, and they are not segregated at the movies and other public places.

883 593 273 [578] Young people working off the Reservation are relatively free from family influence, and, though many send part of their wages home, they still have much more money to spend than they ever had before. Now and then girls on their own in the city drift into trouble and are sent home, but they seldom become recognized prostitutes. Boys are likely to spend a good deal of their new-found wealth on liquor; their families at home expect the boys to do some drinking, still they worry lest the lads become involved in brawls that will lead to the white man's jail.

883 671 The youth himself is terrified of the law. Instead of being reassured by the supposedly impersonal and impartial character of white men's justice, he fears what seems to him its rigid inflexibility. If he does wrong at home, his family may lecture him or even call in the village elders to talk to him about the error of his ways, but the youth knows that he will be judged on his own merits and not on what is written down in a white man's book. Most important, he will not be shut up far from his family and his desert.

883 582 Sometimes young people marry when they leave the Reservation to take jobs. By and large, however, they go for only short periods or at most a few years. Family ties may become tenuous, but they are seldom broken. The wage-earner usually sends money home and expects to return to the village some day.

GETTING READY FOR MARRIAGE

562 [786] Papago boys and girls do not associate in unchaperoned groups, for the girls are kept under constant surveillance. In the old days a girl who went unaccompanied away from the house cluster was considered fair game for any man or boy. Even today in her home village a girl never goes anywhere alone, unless

433 flooding and grasshoppers is won. This subsistence
24 scale, risky enterprise cannot long compete against
[467] the surplus-over-subsistence earned in the cotton fields.

The crops Desert People working in the 1950 cotton harvest did plant on the reserves were not even on a subsistence scale. The few beans or squash, the patch of melons they actually planted were no more than a supplement at most.

464 Clearly an important reason Papagos sell their la-
471 bor is that a high proportion do not even have flood
423 farms where they could try to farm if they wished to. Probably nearly half the Desert People picking cotton in 1950 had no fields.[1]

233 For Papagos who cannot farm, there is still a
433 possibility of raising cattle. However, xerophytic
[139] desert vegetation is not particularly well suited to fattening cattle--thorns don't make fat. Rainfall on
[132] reserve lands is very scanty, and good stands of grass are small and undependable.

231 Among Papago cotton pickers of 1950, nearly half
422 the families owned cattle.[2] However, some of them actually had only 1 cow, and the average number of head owned by each family was only a dozen.[3]

One difficulty for Papago cattlemen is that horses are kept by most families, taking up range that could support more beef animals. These horses are not especially good stock--no one raises horses for export.
[492] But the Desert People are still mainly in the pre-
[493] automotive age of transportation. If they don't walk, they generally must ride horseback or in a wagon pulled by horses. Over three-fourths of Papago cotton pickers in 1950 owned horses.[4] And each of these families kept
[891] 6 or 7 horses.[5] If it were not for an ordinance of the
[646] Papago Tribal Council restricting each family to not more than 10 head of horses, horse population of the reserved lands would undoubtedly be much higher.

---

[1] 130 families gave information. 20 had their own fields, or 51%. (Only 2 were in irrigated projects, 5%) Fathers of 3 younger men had flood fields, 8%. So 41% had no flood fields in their extended family.
[2] 19 families of 40 questions owned cattle, 47½%.
[3] 39 families giving information owned 96 head, averaging 12 per family.
[4] 31 families of 40 questioned owned horses, 77½%.
[5] 21 families giving data owned 138, averaging 6.6 each.

231
611
422 As it is, the horses kept by each family seem to run just slightly under the number allowed on permits assigned by the Council. Among families picking cotton, the average permit was for 7 horses.[1]

596
602
426
231 Papago harvest hands can go off and leave unplanted fields without worrying. But the laborer with cattle or horses has a problem. Three-fourths of the pickers with animals in 1950 left them in the care of some relative--a brother, son, father, or uncle.[2] This fact is apparently one main reason for members of the Papago extended family remaining on the reserves while others go off to pick cotton. Along with the pattern of leaving
[603] children with their grandparents so they can continue
[891] uninterrupted in Indian Bureau schools, it illustrates
[594] the continuing economic function of the Papago extended family. Although the biological family is the main unit working for wages, in the wider economic picture it is the extended family which is the functioning unit.

The laborers who do not leave their animals in someone's care simply let them run loose on the reserve or occasionally a family will be able to bring its horses to a labor camp.

464 On the reserved lands themselves, the labor market is relatively restricted. Employers are limited to the U. S. Indian Bureau (hiring over 100 Desert People)[3] the Papago Tribe (hiring half a dozen Papagos full time) the state and county highway departments, trading posts, and mines. These jobs generally require some degree of skill and training, and are filled by those of the Desert People who have had more educational opportunities.
[799] A high proportion of these employees are Presbyterians
[891] because of the emphasis Papago converts place upon education, and good quality of denomination schools.

461
464 Many cotton harvesters recognize these fundamental reasons for their working. When they expressed their reasons for coming to the fields to labor, they said they came because "We don't have any fields," or "I didn't have a job," (the most frequent reply). Or some recognized the cause, but thought in the old mental paths of the Desert People: "There hasn't been any rain."

---

[1] 13 of the families giving data had permits for 91 head.
[2] 9 of 12 families giving information did.
[3] Joseph, Spicer, and Chesky, 1949, p. 37.